

105TH CONGRESS
2D SESSION

H. R. 3893

To amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1998

Mr. ENSIGN (for himself and Mr. GIBBONS) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Common Sense Prison
5 Work and Victim Restitution Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) work is inherently American and honorable;

2 (2) work is of fundamental importance to any
3 orderly society which reveres such common values as
4 responsibility, independence, and respect for others;

5 (3) in order to reduce recidivism, provide res-
6 titution to victims, reparations to communities, and
7 promote the values of responsibility, independence,
8 and respect for others, the Federal Government
9 should enact policies which expand work, edu-
10 cational, and life skills opportunities for prisoners
11 incarcerated in Federal and State penal institutions;

12 (4) American taxpayers are justified to expect
13 that prisoners reimburse the United States Treasury
14 for the cost of their incarceration, and in addition,
15 that prisoners should make monetary restitution to
16 a fund which benefits the victims of crime;

17 (5) prisoners should be prohibited from engag-
18 ing in certain types of activities which are not
19 healthy and conducive to their successful rehabilita-
20 tion and restitution;

21 (6) prisoners should not have access to certain
22 amenities which are unnecessary, enhance leisure ac-
23 tivities, or do not promote successful rehabilitation;

1 (7) existing Federal laws limit prisoners from
2 engaging in work, and do not impose mandatory
3 work requirements for prisoners;

4 (8) existing barriers to prisoner labor should be
5 removed and Federal laws should be strengthened to
6 ensure that prisoners, their victims, taxpayers, and
7 society in general reap the maximum benefits and
8 positive values associated with work; and

9 (9) when implemented effectively, shock incar-
10 ceration, or “boot camp” programs, can provide of-
11 fenders with a heightened sense of personal respon-
12 sibility, confidence, self-discipline, and an increased
13 ability to make a successful return to the community
14 while maximizing and fostering a safe and orderly
15 work environment for corrections’ personnel.

16 **SEC. 3. WORK REQUIREMENT FOR FEDERAL PRISONERS.**

17 (a) WORK REQUIREMENT.—Section 2905 of the
18 Crime Control Act of 1990 (18 U.S.C. 4121 note) is
19 amended by adding at the end of subsection (a) the follow-
20 ing: “Subject to this section, such inmates shall engage
21 in work for not less than 50 hours weekly. In addition
22 inmates shall engage job-training and educational and life
23 skills preparation study. In the event that opportunities
24 otherwise provided by law for inmates to work are not suf-
25 ficient to meet the requirements of the preceding sentence,

1 notwithstanding any other provision of law, the services
2 of prisoners may also be made available to nonprofit enti-
3 ties to carry out any of their business or other functions.
4 Each authority of the United States that makes grants
5 to nonprofit entities shall take appropriate action to in-
6 form such entities of the availability of inmates for this
7 purpose. The Attorney General shall make rules governing
8 the provision of services by inmates to such entities and
9 the payment of any wages or other compensation for such
10 services.”.

11 (b) USE OF PRISON LABOR BY PRIVATE ENTITIES.—
12 The Attorney General shall, not later than one year after
13 the date of the enactment of this Act, submit legislative
14 recommendations to Congress to permit Federal prisoners
15 to perform work for private employers while minimizing
16 the economic impact on the private sector of this expan-
17 sion of the use of prison labor.

18 (c) USE OF REVENUES FROM PRISON LABOR.—

19 (1) There is established in the Treasury a Fund
20 (hereinafter in this subsection referred to as the
21 “Fund”).

22 (2) All proceeds and wages, less any taxes or
23 withholding required by Federal or State law, from
24 prison labor performed by inmates under the super-

1 vision of the Attorney General shall be placed in the
2 Fund.

3 (3) The Fund shall be used, under guidelines
4 established by the Attorney General, as follows:

5 (A) One third shall be used to offset the
6 costs of prisoner incarceration.

7 (B) One third shall be used for victim res-
8 titution.

9 (C) One tenth to be held in a non-interest
10 bearing account for the individual prisoner, to
11 be paid on release from prison, but if the pris-
12 oner will not be eligible for release, then this
13 portion shall be immediately available for use
14 under subparagraph (B).

15 (D) The remainder to States and local ju-
16 risdictions that operate correctional facilities to
17 benefit the dependents of prisoners, but only to
18 those States the Attorney General determines
19 have substantially the same prison work re-
20 quirements and prison conditions as established
21 for Federal prisoners.

22 **SEC. 4. PRISON CONDITIONS.**

23 The Bureau of Prisons shall ensure that Federal pris-
24 oners—

1 (1) do not possess, view, or read pornographic
2 or sexually explicit materials;

3 (2) are subject not less often than once each
4 month to a combination of random and regularly
5 scheduled testing for drugs and illegal substances;

6 (3) do not possess microwave ovens, hot plates,
7 toaster ovens, or televisions (unless provided by the
8 prison for group viewing), or VCRs;

9 (4) do not possess, or listen to, music which
10 contains lyrics that are violent, sexually explicit, vul-
11 gar, glamorize gang membership or activities, de-
12 mean women or disrespect law enforcement;

13 (5) do not view cable television which is not
14 educational in nature; and

15 (6) do not engage in sexual activity.

16 **SEC. 5. REPORT ON DRUG TESTING COSTS.**

17 Not later than one year after the date of the enact-
18 ment of this Act, the Attorney General, in consultation
19 with the General Accounting Office, shall report to Con-
20 gress the then anticipated annual costs, for each of the
21 5 following fiscal years, of implementing a monthly drug
22 testing program for all Federal prisoners.

23 **SEC. 6. DRUG DETECTION DOG PROGRAM.**

24 (a) IN GENERAL.—Not later than one year after the
25 date of the enactment of this Act, the Attorney General

1 shall establish a program to utilize drug detection dogs
2 in inmate work areas, living quarters, and delivery areas
3 for the purpose of detecting narcotics.

4 (b) AUTHORIZATION.—There is authorized to be ap-
5 propriated \$10,000,000 to carry out subsection (a).

6 **SEC. 7. ELIMINATION OF SENTENCING INEQUITIES FOR**
7 **DRUG OFFENDERS.**

8 (a) IN GENERAL.—Subparagraph (B) of section
9 3621(e)(2) of title 18, United States Code, is amended
10 to read as follows:

11 “(B) ADMINISTRATION OF TREATMENT
12 PROGRAMS.—The Attorney General shall ensure
13 through the use of all appropriate and available
14 incentives and sanctions that eligible prisoners
15 undergo a program of substance abuse treat-
16 ment.”.

17 (b) CONFORMING AMENDMENT.—The heading for
18 paragraph (2) of section 3621(e) of title 18, United States
19 Code, is amended by striking “INCENTIVE FOR PRIS-
20 ONERS’ SUCCESSFUL COMPLETION OF TREATMENT PRO-
21 GRAM” and inserting “TREATMENT REQUIREMENT”.

22 (c) ELIGIBILITY.—Clause (ii) of section
23 3621(e)(5)(B) of title 18, United States Code, is amended
24 to read as follows:

1 “(ii) within 24 months of the date of
2 release, or is otherwise designated by the
3 Bureau of Prisons for participation in a
4 residential substance abuse treatment pro-
5 gram; and”.

6 **SEC. 8. BOOT CAMP REQUIREMENT.**

7 Section 4046 of title 18, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “may” and inserting
11 “shall, except as provided in subsection (d),”;
12 and

13 (B) by striking “of more than 12” and all
14 that follows through the end of such subsection
15 and inserting a period;

16 (2) in subsection (b), by striking “not to exceed
17 6 months” and inserting “which shall be not less
18 than 4 weeks”; and

19 (3) by adding at the end the following:

20 “(d) An inmate who, in the judgment of the Bureau
21 of Prisons, either does not successfully complete the re-
22 quired period of shock incarceration or is physically or
23 mentally unfit to participate in the activities required by
24 shock incarceration, shall be confined to that inmate’s cell
25 for not less than 23 hours each day during the portion

1 of the term of imprisonment that would otherwise be spent
2 in shock incarceration and shall, during the remainder of
3 that term, be granted no privileges other than those re-
4 quired by law.”.

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